

SENATE BILL No. 60

By Committee on Judiciary

1-22

1 AN ACT concerning open records; relating to requests for criminal justice
2 information; amending K.S.A. 2012 Supp. 45-220 and repealing the
3 existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 45-220 is hereby amended to read as
7 follows: 45-220. (a) Each public agency shall adopt procedures to be
8 followed in requesting access to and obtaining copies of public records,
9 which procedures shall provide full access to public records, protect public
10 records from damage and disorganization, prevent excessive disruption of
11 the agency's essential functions, provide assistance and information upon
12 request and insure efficient and timely action in response to applications
13 for inspection of public records.

14 (b) A public agency may require a written request for inspection of
15 public records but shall not otherwise require a request to be made in any
16 particular form. Except as otherwise provided by subsection (c), a public
17 agency shall not require that a request contain more information than the
18 requester's name and address and the information necessary to ascertain
19 the records to which the requester desires access and the requester's right
20 of access to the records. A public agency may require proof of identity of
21 any person requesting access to a public record. No request shall be
22 returned, delayed or denied because of any technicality unless it is
23 impossible to determine the records to which the requester desires access.

24 (c) If access to public records of an agency or the purpose for which
25 the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A.
26 2012 Supp. 45-230, and amendments thereto, the agency may require a
27 person requesting the records or information therein to provide written
28 certification that:

29 (1) The requester has a right of access to the records and the basis of
30 that right; or

31 (2) the requester does not intend to, and will not: (A) Use any list of
32 names or addresses contained in or derived from the records or
33 information for the purpose of selling or offering for sale any property or
34 service to any person listed or to any person who resides at any address
35 listed; or (B) sell, give or otherwise make available to any person any list
36 of names or addresses contained in or derived from the records or

1 information for the purpose of allowing that person to sell or offer for sale
2 any property or service to any person listed or to any person who resides at
3 any address listed.

4 (d) A public agency shall establish, for business days when it does not
5 maintain regular office hours, reasonable hours when persons may inspect
6 and obtain copies of the agency's records. The public agency may require
7 that any person desiring to inspect or obtain copies of the agency's records
8 during such hours so notify the agency, but such notice shall not be
9 required to be in writing and shall not be required to be given more than 24
10 hours prior to the hours established for inspection and obtaining copies.

11 (e) Each official custodian of public records shall designate such
12 persons as necessary to carry out the duties of custodian under this act and
13 shall ensure that a custodian is available during regular business hours of
14 the public agency to carry out such duties.

15 (f) Each public agency shall provide, upon request of any person, the
16 following information:

17 (1) The principal office of the agency, its regular office hours and any
18 additional hours established by the agency pursuant to subsection (c).

19 (2) The title and address of the official custodian of the agency's
20 records and of any other custodian who is ordinarily available to act on
21 requests made at the location where the information is displayed.

22 (3) The fees, if any, charged for access to or copies of the agency's
23 records.

24 (4) The procedures to be followed in requesting access to and
25 obtaining copies of the agency's records, including procedures for giving
26 notice of a desire to inspect or obtain copies of records during hours
27 established by the agency pursuant to subsection (c).

28 (g) *Except for requests of summary data compiled from information*
29 *submitted by multiple criminal justice agencies or as otherwise provided*
30 *by law, requests for records submitted to the central repository or any*
31 *other repositories supporting the criminal justice information system*
32 *which are maintained by the Kansas bureau of investigation pursuant to*
33 *K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to*
34 *the criminal justice agency from which the records originated.*

35 (h) *As used in this section, the terms "central repository," "criminal*
36 *justice agency" and "criminal justice information system" have the same*
37 *meanings as defined in K.S.A. 22-4701, and amendments thereto.*

38 Sec. 2. K.S.A. 2012 Supp. 45-220 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.